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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR AN ORDER DIRECTING A PROVIDER)
OF ELECTRONIC COMMUNICATION)
SERVICE TO DISCLOSE RECORDS TO THE)
GOVERNMENT)

CRIMINAL DOCKET NO. 07-524M

**APPLICATION ON BEHALF OF AMICI
ELECTRONIC FRONTIER
FOUNDATION AND PROFESSOR
SUSAN FREIWALD FOR EXTENSION
OF TIME TO FILE *AMICI* BRIEFING**

Judge Terrence F. McVerry

TO THE UNITED STATES DISTRICT COURT, THE FEDERAL PUBLIC DEFENDER FOR THE
WESTERN DISTRICT OF PENNSYLVANIA AND THE UNITED STATES ATTORNEY FOR THE
WESTERN DISTRICT OF PENNSYLVANIA:

Amicus Electronic Frontier Foundation (EFF) hereby respectfully applies on its behalf and on
behalf of Professor Susan Freiwald and such other interested organizations and person as may join our
amici filings, for an order extending time for filing *amici curiae* briefing in the above captioned matter.

This is a pending appeal from a February 19, 2008 Opinion by Magistrate Judges of this Court
regarding the Government's entitlement to cell-phone-derived location information by *ex parte* Order
under the Electronic Communications Privacy Act and absent a showing of probable cause. This Court
ordered that EFF, Professor Freiwald and the Federal Public Defender for the Western District be

appointed amici curiae and invited us to file briefs to the Court on or before thirty (30) days from an order dated May 2, 2008, or by June 2, 2008.

Amici EFF and Professor Friewald respectfully request thirty days (30) additional time to file our briefs, or until July 3, 2008. This request is made on the grounds set forth in the Declaration of Attorney Jennifer Granick attached in support of this application. In sum, prior to filing, the lawyers writing the EFF brief and Professor Friewald must coordinate with each other, with *amicus* Federal Defender Lisa Freeland, and with other interested organizations and individuals, including leaving ample time for review and organizational approval of drafts. Additionally, *amici* lawyers responsible for their briefing have prior deadlines and previously scheduled business travel between now and June 2 that interfere with our ability to devote the necessary time to briefing the complex statutory and constitutional questions raised by the Government's application.

This application for an extension of time is brought pursuant to the Court's inherent power to control its calendar and is based on the declaration of Jennifer S. Granick, Esq. in support of this application and this Court's Briefing Order of May 2, 2008.

DATED: May 15, 2008

Respectfully submitted,

ELECTRONIC FRONTIER FOUNDATION

By _____/s/_____
Jennifer Stisa Granick, Esq.

Amicus curiae